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10/786,291

02/26/2004

William F. Geraghty

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06/06/2005

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EXAMINER

MATTHEWS, TERRELL HOWARD

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |  |   |  |
|------------------------------|--|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/786,291   | <b>Applicant(s)</b><br>GERAGHTY, WILLIAM F. |  |
|                              | <b>Examiner</b><br>Terrell H. Matthews | <b>Art Unit</b><br>3654                     |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____.  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>02/26/2004</u> .  | 6) <input type="checkbox"/> Other: ____.                                    |

*nc*

S.O.O.

### **DETAILED ACTION**

Claims 1-24 are pending in the instant application

#### ***Specification***

The disclosure is objected to because of the following informalities: On page 5 of the specification shaft is incorrectly numbered as 52.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7,9-12, 14-16, 22-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Baxter. (5133413)

Referring to claims 1-4. Baxter discloses the invention as claimed. See Figs. 1-3 and respective portions of the specification. Baxter discloses a support frame (1), a wheel unit (30), a conveyor (3) with tines (4,5), a receptacle (20) with tines (21), means for driving the conveyor (55), a drawbar (15) connected to the support frame (1) and 2<sup>nd</sup> conveyors (7,9) (See Col. 4). It is understood from Fig. 4 and respective portions of the specification that the conveyor tines are arranged in longitudinally and transversely spaced rows along the conveyor. Additionally, it is understood that drawbar (15)

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connects the support frame (1) to a prime mover as recited in claim 2 (See Col. 4 l. 25-26).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Baxter.

Referring to claim 7. Baxter discloses the invention as described above. Baxter further discloses that the receptacle tines (21) are displaced transversely relative to the conveyor tines (4,5). (See Fig. 2). Baxter further discloses that the receptacle tines (21) urge the debris towards the front of the receptacle (See Col. 5 l. 29-30). It is understood that the receptacle tines comb out debris from the conveyor tines while they urge the debris forward. If applicant disagrees that Baxter does not teach the receptacle tines and conveyor tines passing between to cause articles to be combed out then it should be noted that Baxter additionally discloses a screw conveyor (11), which rotates and loosens sands that overcome the conveyor belt (Col 5. l. 17-19). It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify

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Baxter's system to include receptacle tines that could pass through conveyor tines so that debris could be moved from the conveyor tines into the receptacle.

Referring to claim 9. Baxter discloses the invention as described above. Baxter further discloses that the receptacle tines (21) are disposed in a transverse rod and perpendicular to a bottom flight of the conveyor and that the tines cooperate with the conveyor tines to cause articles to dislodge into the receptacle (See Fig. 4 and Col. 5 l. 29-30).

Referring to claim 10-12. Baxter discloses the invention as described above. Baxter further discloses that the conveyor is perforated to allow ground particles deposited on conveyor to gravity fall. Additionally, Baxter discloses that the conveyor belt is a mesh screen material (See Col. 5 l. 9-12). It should be noted that Baxter discloses that other perforated materials could be used that allow for sand and water to easily drip (See Col. 2 l. 37-40). It should be noted that that the conveyor consist of a flight at a lower, front end and parallel to ground level (See Fig. 2).

Referring to claim 14-16. Baxter discloses the invention as described above. Baxter further discloses a receptacle (22) that is pivotal and able to tilt about a transverse axis. Baxter discloses that through hydraulic means the receptacle is able lift up, tip, and dump out debris (See Col. 5 l. 31-34). Additionally, it should be understood that the fluid actuated cylinder assembly (23) is connected to two lift arms supported by the frame (1) (See Fig. 4).

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Referring to claim 22-24. Baxter discloses the invention as described above.

Baxter discloses a support frame (1), a wheel unit (30), an endless conveyor (7,9), a receptacle (20) with tines (21), means for driving the conveyor (55), and a drawbar (15) connected to the support frame (1) (See Col. 4). It is understood from Fig. 4 and respective portions of the specification that the conveyor tines are arranged in longitudinally and transversely spaced rows along the conveyor. Additionally, it is understood that drawbar (15) connects the support frame (1) to a prime mover. (See Col. 4 l. 25-26).

### ***Claim Rejections - 35 USC § 103***

Claims 1, 5-6,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view Baxter. (3362480)

Referring to claims 1,5-6,16. Barber discloses a machine for cleaning sand beaches as claimed. See Figs. 1-7 and respective portions of the specification. Barber discloses a base frame (12), sidewall members (14,16), wheel units (36,38), draw bar (48), hydraulic cylinder assembly (52), a conveyor (72) having a multiplicity of spring-like tine members (120), receptacle (100), shaft (108), and lift arms (107,109). Barber further discloses the spring-like tine members are generally U-shaped with a pair of parallel extending legs with a transversely disposed base portion and that each leg has an offset portion terminal end portion (126) and an intermediate or coil portion (128) (See Col. 4 l. 67-74). Baxter further discloses base segments (13), which are

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interconnected by a bridging segment (132), which serve to form a mounting base. Additionally Baxter discloses that the U-shaped portion of the tine members is positioned overlying transverse bar (74) of the conveyor (72) so that the terminal end (126) is disposed. (See Fig. 2). It should be noted that the terminal end portion (126) is regarded as the free end. Barber does not disclose the receptacle having tines. It would have been obvious to a person of ordinary skill in the art to modify the system of Barber to include tines in the receptacle as taught by Baxter so that heavier or stuck debris could dislodge from the conveyor and placed in the receptacle.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter.

Referring to claim 8. Baxter discloses the invention as described above. Baxter further discloses the receptacle tines (21) hinged on the side of the receptacle. Baxter does not disclose the receptacle tines mounted on a front, transversely disposed wall. It would have been obvious to a person of ordinary skill in the art to modify Baxter's apparatus to position the receptacle tines on the front so that there could be more direct contact to dislodge the debris as well as so that the receptacle could be dumped easier.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter in view of Jackson. (4608725).

Referring to claim 13. Baxter discloses the invention as described above. Baxter does not disclose at least one idler wheel mounted on the support frame and operatively engaging an underside flight of the conveyor. Jackson discloses a litter-retrieving

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machine as claimed. See Figs. 1-14 and respective portions of the specification.

Jackson further discloses a conveyor means (5), a framework wheel (29), and idler wheel (160), and a swing-able arm assembly (161). It can be understood from Fig. 2 that idler wheel (160) is mounted on the arm assembly (161) which is connected to frame (13). Additionally it should be noted that idler wheel (160) could be operatively engaged with the underside flight of the conveyor (5). It would have been obvious to a person of ordinary skill in the art to include the idler wheel of Jackson to the apparatus of Baxter to help drive the conveyor so that articles could be moved into the trough (10).

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Baxter and in further view of Fry.

Referring to claims 16,17-18. Barber discloses the invention as described in detail above. Barber does not disclose a receptacle with tines or a shaft joined into a support frame having a sprocket with a radially disposed arm, a pair of trunnions mounted on side walls, one sprocket mounted on the trunnions, an endless chain around the sprockets, a fluid actuated cylinder assembly interconnecting the support frame, or the radially disposed arm operative to pivot and tilt the receptacle. Baxter discloses the system as described above inclusive of a receptacle with tines. Fry discloses a vehicle for cleaning beach sands as claimed. See Figs. and respective portions of the specification. Fry discloses a shaft (16) connected into the support frame (10) having a sprocket (57), with a radially disposed arm (48), a pair of trunnions (59), an endless chain (56), and a fluid actuated cylinder assembly (50) interconnecting



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the support frame which allows the receptacle (44) to be tilted and pivoted. It would have been obvious to modify the apparatus of Barber to include the teachings of Baxter and Fry so that the receptacle with tines could dislodge articles from the conveyor into the receptacle which would be able to tilt and pivot more easily allowing it to be better suited to dump out debris in a variety of containers.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter.

Referring to claim 19. Baxter discloses the invention as described above. Baxter does not disclose a hydraulic motor as the driving means for the conveyor. Baxter does disclose as numeral (25) in Fig. 1 that there are means for driving the conveyor. It would have been obvious to a person of ordinary skill in the art to include a hydraulic motor as the means to drive the conveyor because they are sufficient at low speeds but provide a good amount of torque so that the conveyor could advance an arrangement of items.

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter in view of Barber.

Referring to claim 20. Baxter discloses the invention as described in detail above. Baxter does not disclose sidewall members mounted on the support frame wherein the conveyor is disposed between. Barber discloses the invention as described in detail above. Barber further discloses sidewall members (22) mounted on the support frame (wherein conveyor (72) is disposed between (See Fig. 2). It would have been obvious to

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modify the apparatus of Baxter to include sidewall members as taught by Barber so that the conveyor would be better secured and supported.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter.

Referring to claim 21. Baxter discloses the invention as described above. Baxter does not disclose the angular relationship of the support frame by the drawbar being varied to correspondingly vary the position of the tines relative to the ground. Baxter does disclose however a hydraulic jack (35) mounted on the support frame (1) that lifts tines (4) from contact with the beach. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Baxter so that the drawbar could vary the angular relationship of the support frame and tines relative to the ground in order to allow the tines to raise so that they didn't anchor in the sand.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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